

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/532,460
Filing Date: 10/31/2003 (IA)
Applicant: Olaf Michel
Group Art Unit: 1617
Examiner: Jody L. Karol
Title: Nasal Stick for the Application of Medicaments and Skin
Care Substances
Attorney Docket: 4832-00022/US/NP

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION/RESTRICTIONS

Sir:

In response to the Office Action dated June 12, 2008, The Examiner has requested restriction to one of the below listed groups under 35 U.S.C. §121 and 372.

Group I – claims 1-25, drawn to sticks for topical or transmucosal application of a skin care or active agent onto and via the nasal mucosa wherein the stick material contains...;

Group II - Claim 26, drawn to use of a medical, skin care or cosmetical stick for the application of skin care or active agents into the nose;

Group III – Claim 27 drawn to use of a stick material as defined in claim 1 or of a refill cartridge containing said material for the manufacture of a stick according to claim 1;
and

Group IV – Claims 28-30, drawn to a method of treatment and/or prophylaxis of a

disorder of a mammal, providing wellness of relief to a mammal comprising topical or transmucosal administration of an active agent as defined in claim 1 into the nose via a stick.

The Examiner contends the inventions of Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features.

The Examiner further contends that the application contains claims directed to more than one species of the generic invention, the species are:

Species a – Claims 6-7 and 9-10, directed to active agents; and

Species b – Claim 8, directed to care agents.

Applicant hereby elects Group I, (Claims 1-7, 9-25), and species a (claims 6-7, 9-10), with traverse, for purposes of examination. Applicant respectfully submits that maintaining all pending claims should not present an undue burden on the Examiner and therefore request reconsideration of the restriction request. If the Examiner insists on maintaining the restriction, Applicant reserves the right to prosecute the subject matter of Groups II-IV, claims 8, 26-30, by way of divisional and/or continuing application(s) without prejudice.

Respectfully submitted,

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Dated: July 11, 2008

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